

REMARKS

The Examiner has objected to the drawings. In response, applicant has amended Fig. 2 to indicate that it shows prior art. The Examiner has requested that applicant amend Figs. 4-6 in a similar manner. Applicant objects to such request, since Figs. 4-6 do not disclose prior art, but rather various embodiments of applicant's invention.

The Examiner has rejected Claims 1-29 under 35 U.S.C. 103(a) as being unpatentable over Maloney et al. (U.S. Patent No. 6,269,447) in view of Dev et al. (5,261,044). Applicant respectfully disagrees with this rejection, since the Examiner's proposed combination is deficient in many respects and the Examiner has failed to consider applicant's previous argument's regarding the dependent claims as well as the added limitations in Claim 29.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). Applicant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met.

With respect to the first element of the *prima facie* case of obviousness, the Examiner states that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Dev et al.'s multiple views such as a world map view in Maloney's information security analysis and monitoring network

system. Applicant respectfully disagrees with this assertion, especially in view of the vast evidence to the contrary.

For example, Maloney relates to an information security analysis system, while Dev relates to a computer network management system. To simply glean features from a computer network management system, such as that of Dev, and combine the same with the *non-analogous art* of information security analysis systems, such as that of Maloney would simply be improper. Computer network management systems manages parameters such as performance and status of network components, while an information security analysis system mitigates Internet security issues.

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) In view of the vastly different types of problems a computer network management system addresses as opposed to an information security analysis system, the Examiner's proposed combination is inappropriate.

Moreover, it is noted that Maloney discloses a "tree-based" node representation, such that a count of nodes is an aggregate of all nodes below the reference node. Moreover, the tree-based approach provides for browsing objects in classes within the knowledge base. If one were to attempt to utilize the geographical map of Dev in the context of Maloney's "tree-based" node representation, Maloney would no longer be able to provide "a count of nodes [that] is an aggregate of all nodes below the reference node," as well as provide tree-based object browsing.

Thus, any attempt to combine the geographical map of Dev in the context of the Maloney's "tree-based" node representation would *modify/frustrate the intended*

function/purpose of Maloney, and is thus improper. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

Thus, Dev clearly *teaches away* from the teachings of Maloney. *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986).

More importantly, with respect to the third element of the *prima facie* case of obviousness, the Examiner's proposed combination fails to disclose, teach or suggest all of applicant's claim limitations.

For example, with respect to applicant's claimed "displaying a world map with an illustration of the trace thereon utilizing the firewall," the Examiner states the following: Maloney teaches "where after the analysis of an event[, a] map of the trace is displayed," and "Dev ... display[s] a network world map of network events..."

Maloney, however, merely suggests "a visual interface for the knowledge base 16 and provides a tree-based approach to browsing objects in classes within the knowledge base, and in addition provides linkage information for tracing items and information passively discovered on the network by the discovery tool." (see col. 8, lines 42-46).

Thus, contrary to the Examiner's assertion, this disclosure does not even suggest that a map of the trace is displayed. Instead, there is merely a suggestion that "linkage information" is provided utilizing "a visual interface." There is simply no display of a map of a trace, as purported by the Examiner.

Moreover, further contrary to the Examiner's assertion, Dev displays a network world map of network entities (i.e. devices), not events, as claimed by applicant.

Thus, the third element of the *prima facie* case of obviousness has not been met, since the proposed combination fails to meet applicant's claimed "displaying a

world map with an illustration of the trace thereon utilizing the firewall”
(emphasis added).

It is again noted that the Examiner’s reference is further deficient in many other regards. For example, the Examiner’s proposed combination continues to fail to even suggest any sort of “trace [that] is shown to involve a plurality of displayed network segments shown to be spanning different cities of different countries displayed on the world map.” See Claim 29. Again, the third element of the *prima facie* case of obviousness has not been met.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NA11P094/02.013.01).

Respectfully submitted,

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